

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CT-3220-BO

KEVIN LOU ENGLISH,)
Plaintiff,)
v.)
CHARLES METZGER,)
Defendant.)

ORDER

Plaintiff filed a complaint pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) on August 21, 2015 [D.E. 1]. On April 11, 2016, Magistrate Judge Robert T. Numbers, II issued a Memorandum and Recommendation (“M & R”) [D.E. 5], in which he recommended that the court dismiss plaintiff’s complaint without prejudice for failure to state a claim for relief. Plaintiff did not file objections to the M & R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M & R, the record, and the plaintiff’s complaint. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M & R [D.E. 5], and plaintiff’s complaint [D.E. 1] is DISMISSED without

prejudice. The clerk shall close the case.

SO ORDERED. This 16 day of May 2016.


TERRENCE W. BOYLE
United States District Judge